

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CURT HERRERA,

Petitioner,

20 **CIVIL** 2957 (LGS)

93 **CR.** 0203-5 (LGS)

-against-

**JUDGMENT**

UNITED STATES OF AMERICA,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated June 20, 2024, the Petition is DENIED except as to Count 40, which is vacated without resentencing. The denial is without prejudice to Petitioner's renewing his claim if he is authorized to challenge the validity of his life sentences in the future. See Al-'Owhali, 36 F.4th at 469. An amended judgment, vacating Count 40, will issue separately. As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not be issued. See 28 U.S.C. § 2253(c)(2); Gray v. United States, 980 F.3d 264, 265 (2d Cir. 2020). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this judgment on the merits would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 445 (1962) ("We consider a defendant's good faith... demonstrated when he seeks appellate review of any issue not frivolous."). Accordingly, the case is closed.

**DATED:** New York, New York

June 20, 2024

**DANIEL ORTIZ**  
**Acting Clerk of Court**

**BY:**



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**Deputy Clerk**